

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x		Docket No. 08-CV-5371 (RJH)
BARBARA VINCIGUERRA,	)	
	)	
Plaintiff,	)	
	)	
-against-	)	<b><u>PROPOSED SCHEDULING</u></b>
	)	<b><u>ORDER</u></b>
THE PORT AUTHORITY OF NEW YORK	)	
AND NEW JERSEY, et al.	)	
	)	
Defendants.	)	
-----x		

The parties to the above entitled action, by and through their respective attorneys of record, submit the following proposed scheduling order for consideration and signature:

**I. Description of the Case**

A. Plaintiff's Attorneys of Record: The Law Office of Steven A. Morelli, P.C.  
By: Steven A. Morelli (lead)  
Eric S. Tilton (notice)  
One Old Country Road, Suite 347  
Carle Place, New York 11514  
(516) 393-9151

Defendants' Attorneys of Record: The Port Authority of New York and New Jersey  
By: Karla Daniella Denalli  
225 Park Avenue South, 14th Floor  
New York, New York 11514  
(212) 435-3436

**B. Jurisdiction and Venue**

The Court has subject matter jurisdiction over plaintiff's claims pursuant to 28 U.S.C. §§ 1331, 1332, 1343, 1367 and the aforementioned statutory and constitutional provisions.

Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391. All conditions precedent to filing suit have been fulfilled. To wit, plaintiff filed a timely Charge

of Discrimination with the United States Equal Employment Opportunity Commission on April 2, 2007 bearing charge number 520-2007-01860. After initial investigation, the United States Department of Justice issued to plaintiff a Notice of Right to Sue which plaintiff received on March 17, 2008. This action was filed within 90 days of plaintiff's receipt of the Notice of Right to Sue.

C. Nature of the Case

This action is brought under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (Title VII); New York State Executive Law § 290 *et seq.*; and, the New York City Administrative Code § 8-101 *et seq.* to redress violations of plaintiff's rights as guaranteed by the laws of the United States and the State of New York prohibiting unlawful discrimination, harassment, and retaliation.

No counterclaims have been asserted.

D. Legal and Factual Issues

Whether the defendants have unlawfully discriminated against plaintiff in her compensation, terms, conditions, and/or privileges of employment because of her gender or her good faith opposition to discriminatory practices by subjecting her to adverse employment actions, a hostile working environment, and an ongoing atmosphere of adverse acts which went unabated in violation of Title VII, the NY Human Rights Law, and the City Human Rights Law.

E. Relief Sought

Plaintiff demands compensatory damages in the sum of \$2,000,000.00 (Two Million Dollars); punitive damages in an amount to be determined by a jury; a permanent injunction enjoining defendants from any further actions abridging plaintiff's rights, including but not limited to, an injunction preventing defendants or any of their agents or employees from providing negative, misleading, or disparaging references pertaining to plaintiff's employment; reasonable attorneys fees and the costs and disbursements of this action; and, such other and further relief that to the Court seems just and proper.

**II. Proposed Case Management Plan**

- A. Pending Motions: None
- B. Cutoff for Joinder of Additional Parties: 12/15/2008
- C. Cutoff for Amendments to Pleadings: 11/7/2008
- D. Schedule for Completion of Discovery:
  - i. 26(a)(1) Disclosures: 9/26/2008
  - ii. Fact Discovery Completed By: 3/3/2009
  - iii. 26(a)(2) Disclosures: Pltfs. 5/29/2009; Defs. 6/30/2009
  - iv. Delivery of Expert Reports TBD
- E. Filing of Dispositive Motions: 45 day from delivery of expert reports
- F. Filing of Pre-trial Order: 9/18/2009
- G. Proposed Trial Schedule:
  - i. A jury has been requested by the Plaintiff in the Complaint.

- ii. The probable length of trial is unknown as of yet.
- iii. It is unknown when the case will be ready for trial.

**III. Magistrate Trial**

With all due respect, the parties do not consent to proceed before a United States Magistrate Judge.

**IV. Settlement Discussions**

The parties have yet to engage in settlement discussions.

SO ORDERED:

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Hon. Richard J. Holwell, USDJ